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09/014,422

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/014,422      | 01/27/98    | IWAMOTO              | M 1344.1001/JD      |

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EXAMINER

HUYNH, C

ART UNIT

PAPER NUMBER

4

2776

DATE MAILED:

04/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
09/014,442

Applicant(s)

Iwamoto

Examiner

Cong-Lac Huynh

Group Art Unit

2776



Responsive to communication(s) filed on Feb 9, 2000.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-22 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

1. This action is responsive to communications: amendment filed on 02/09/00 to the application filed on 01/27/98.
2. Claims 1-22 are pending in the case. Claims 1, 12 are independent claims.
3. The rejections of claims 1-22 under 35 USC 102(e) as being anticipated by Excel 97 have been withdrawn as pursuant to the applicant's argument.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-22 are rejected under 35 U.S.C. 102(a) as being anticipated by *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11. Examiner provides the article "Inside Microsoft Excel" as a evidence of the released date of Excel 97 which is 1/16/97 prior the priority date 6/20/97.

Regarding independent claim 1, Excel 97 discloses (on page 1):

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-- the cross tabulation in which the data analyzed is summed up (the sum of East row, West row, North row, South row, and the sum of January column, February column, March column and Total column);

-- the cells selected among the cells to constitute the cross tabulation (the cells in each row or each column);

-- the graph for displaying the data selected within the range, here the range is from A1 to D4.

Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the selected range of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

-- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South;

-- selecting of cells in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as "sort descending" by selecting the range A2 to D5 and selecting the Sort Descending icon. The data changed in the descending order (sequence East-West-North-

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South now changes to West-South-North-East ) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4 (page 7 and the first graph in page 8). When selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items (page 9, the highlighted data).

Regarding claim 9, Excel 97 discloses the selecting of extracted random data so that the graph is displayed based on the extracted data (page 9, the Chart Wizard window).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12-22 are mediums for the apparatus of claims 1-11, and therefore are rejected under the same rationale.

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***Response to Arguments***

6. Applicants argue that the rejections of claims 1-22 under 35 USC, 102 (e) are not proper. Examiner agrees. Excel 97 is a printed publication. Examiner provides the article that discloses the released date of Excel 97 which is 1/16/97 prior the priority date of the invention 6/20/97. The rejections, therefore, should be under 35 USC 102(a) and the office action is made non-final. Only the title is changed. The rejections remain.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703) 305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (703) 305-4713. The fax number to this Art Unit is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5403 (for informal or draft communications, please label  
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

clh

3/28/00



STEPHEN S. HONG  
PRIMARY EXAMINER